

CHAPTER 2
ADMINISTRATIVE PROCEDURE
[Prior to 6/15/88, see Real Estate Commission[700] Ch 2]

193E—2.1(543B) Mission of the commission. The mission of the Iowa real estate commission is to protect the public through the examination, licensing, and regulation of real estate brokers, salespersons, and firms pursuant to Iowa Code chapter 543B, “Real Estate Brokers and Salespersons”; to administer Iowa Code chapter 543C, “Sales of Subdivided Land Outside of Iowa”; and to administer Iowa Code chapter 557A, “Iowa Time-Share Act.”

Out-of-state subdivided land developers file plats, records, and other legal documents with the board pursuant to Iowa Code chapter 543C. The commission refers the filings to the attorney general’s office for review. When the attorney general’s office reports to the commission the filed information is complete, the commission will accept the filing and filing fee. If accepted, the subdivider may then advertise and sell the registered property in the state of Iowa. The commission refers complaints filed by the public concerning sale in Iowa of unregistered subdivided land to the consumer protection division of the attorney general’s office for investigation, enforcement and prosecution, if necessary.

The commission is a policy-making body with authority to promulgate rules for the regulation of the real estate industry consistent with all applicable statutes. Rules promulgated by the commission are published under agency number 193E—Iowa Administrative Code. Administrative support services are furnished by the professional licensing and regulation division of the department of commerce and by the office of administrative services of the department of commerce. The administrator of the professional licensing and regulation division appoints and supervises an executive secretary and staff to carry out the duties assigned by the commission. Disciplinary hearings are held under the guidance of a hearing officer assigned by the department of inspections and appeals. The commission or duly authorized representative may inspect subdivided land outside of Iowa pursuant to Iowa Code section 543C.4.

2.1(1) Office and communications. Correspondence and communications with the commission shall be addressed or directed to the commission office at 1918 S.E. Hulsizer, Ankeny, Iowa 50021. The telephone number is (515)281-3183.

2.1(2) Meetings of the commission. Meetings of the commission shall be held at times scheduled by the commission in the offices of the commission or a place designated by the commission. Special meetings may be called by the chairperson or executive secretary of the commission, who shall set the time and place of the meeting.

2.1(3) Custodian of records, filings, and requests for public information. Unless otherwise specified by the rules of the department of commerce or the professional licensing and regulation division, the commission is the principal custodian of its own agency orders, statements of law or policy issued by the commission, legal documents, and other public documents on file with the commission.

Any person may examine public records promulgated or maintained by the commission at its office during regular business hours. The office is open from 8 a.m. until 4:30 p.m. Monday through Friday. The office is closed Saturdays, Sundays, and official state holidays.

2.1(4) Deadlines. Unless the context requires otherwise, any deadline for filing a document shall be extended to the next working day when the deadline falls on a Saturday, Sunday, or official state holiday.

2.1(5) Sales of goods or services. No commissioner or employee shall sell, either directly or indirectly, any goods or services to a licensee or education provider except under the following conditions:

a. The real estate commission, on a roll call vote, must give its consent. The individual who wishes to sell goods or services must not participate in the giving of the consent.

b. The selling of the goods or service by the individual must not affect the individual's responsibilities to the commission.

c. Approved authorizations are necessary to screen out potential conflicts of interest that could unduly influence decisions based upon providing such services.

d. An individual who sells goods or services to licensees or education providers cannot include, as a part of the exchange, the requirement that the individual serve as an advocate for them to the commission.

2.1(6) Authorization process. Requests for authorization shall be in writing and signed by the commissioner or employee requesting consent and shall include a description or list of the goods or services to be supplied, a supportive narrative comment as to the rationale for doing business with the party and an explanation of why the sale will not create a conflict of interest or provide financial gain by virtue of one's position on the commission or within the agency. Requests must be made a minimum of two weeks prior to the commission meeting.

2.1(7) Instructor compensation. A commissioner or employee may receive compensation for services as an instructor to teach prelicense and continuing education courses if prior approval is granted pursuant to subrules 2.1(5) and 2.1(6).

193E—2.2(543B) Definitions. For the purpose of these rules, the following definitions shall apply:

"Additional license" means any officer or partner license(s) issued based upon and dependent or contingent upon the primary or main officer or partner license, but assigned to a different corporation or partnership.

"Applicant" means a person who has applied for or intends to apply for a real estate salesperson or real estate broker license.

"Application form" means the form furnished by the commission to be completed and submitted to apply for an original license as a real estate salesperson, real estate broker, real estate firm or trade name.

"Branch office license" means the same as "duplicate license" as used in Iowa Code section 543B.31.

"Broker associate" is defined in Iowa Code section 543B.5(1).

"Broker-in-charge" means a broker or broker associate designated as the person responsible for supervision of a main office or branch office.

"Commission" means the real estate commission.

"Completed application" means an original or renewal application with all required information, documents, signatures, fees or penalties and timely received.

"Duplicate" or *"replacement"* license is a license reissued for the remainder of a license term, at the written request of the broker to replace a lost or destroyed license.

"Examination" means a licensure examination required before issuance of a license.

"Examinee" means a person who has registered or intends to register to take a licensure examination.

"Filed" means documents or application and fees are considered filed with the commission on the date postmarked, not metered, or the date personally delivered to the commission office.

“*Original license*” means the license that covers the first term of licensure in Iowa as a salesperson, broker, or firm. A license applied for and reissued after the final deadline for renewal of a license is also an original license.

“*Primary*” or “*main*” license means the original license issued based upon examination, including any subsequent renewals or reinstatement of the license. Continuing education is required to renew to active status.

“*Principal broker*” means a broker who is either a real estate proprietor, a partner in a real estate partnership, or an officer in a real estate corporation.

“*Proprietor*” means an individual broker who privately owns and manages a real estate company.

“*Renewal application form*” means the form furnished by the commission to be completed and submitted to apply for renewal of a license as a real estate salesperson, real estate broker, real estate firm, branch office or trade name.

“*Status*” means the condition of a real estate license. A license may be active, inactive, expired, suspended, revoked or canceled. An inactive license is defined in Iowa Code section 543B.5(3).

“*Timely received*” means postmarked, not metered, not later than midnight on the last date of the deadline specified by Iowa Code or commission rules.

“*Type*” means the category to which a broker license or firm license is issued. A broker license may be issued as a proprietor, officer, partner, or broker associate. A firm license may be issued as a corporation, partnership or association.

193E—2.3(543B) Licensees of other jurisdictions. A person licensed by examination as a real estate salesperson or broker in a state which does not have a reciprocity agreement with Iowa may be issued a comparable Iowa license by passing the Iowa portion of the examination under the following circumstances:

Broker: Has been actively licensed as a broker and the license has not been inactive or expired for more than six months immediately preceding the date of the successful examination.

Salesperson: Has been actively licensed as a salesperson and the license has not been inactive or expired for more than six months immediately preceding the date of the successful examination.

2.3(1) The commission may enter into specific reciprocity agreements with individual states and grant an Iowa license to licensees from those states on the same basis as Iowa licensees are granted licenses by those states. An Iowa licensee wishing to obtain a license in any other state should contact that state’s licensing board for information and applications. Addresses and telephone numbers are available from the commission.

2.3(2) Each applicant under rule 2.3(543B) or under a reciprocity agreement must apply on forms provided by the commission. The application shall include but not be limited to a certification of license from the state of original licensure containing all information as required by Iowa Code section 543B.21 and an affidavit certifying that the applicant has reviewed and is familiar with and will be bound by the Iowa real estate license law and the rules of the commission.

a. Nonresident applicants must comply with Iowa Code section 543B.22.

b. The application for a nonresident license must be accompanied by an executed irrevocable written consent to suits at law or in equity as provided in Iowa Code section 543B.23.

c. If the applicant is a broker associate or salesperson of a nonresident broker, the employing broker must have an Iowa broker license.

d. If the applicant is employed by or otherwise associated with a nonresident real estate partnership, association, or corporation, that partnership, association, or corporation must apply for and qualify for an Iowa license. No partnership or corporation shall be granted an Iowa license unless at least one member or officer of each partnership, association, or corporation applies for and is granted an Iowa broker license. Every member or officer of the partnership, association, or corporation and every employee who acts as a real estate broker or salesperson in Iowa must apply for and be granted an Iowa license.

2.3(3) If a nonresident Iowa licensee has a real estate license suspended or revoked by any other state, it will be considered prima facie evidence of violation of Iowa Code section 543B.29 or 543B.34 or both, and a hearing may be held to determine whether similar disciplinary action should be taken against the Iowa licensee. Failure to notify the commission of adverse action taken by another state shall be cause for disciplinary action.

2.3(4) Reapplying for a former license issued by examination, as a nonresident licensee. A license that is not renewed by midnight, December 31, of the year of its expiration may be reinstated by the following:

a. Within 30 days after expiration by filing a complete renewal application, payment of the regular renewal fee plus appropriate reinstatement fee.

b. After 30 days, but within three years of expiration by filing a complete application, payment of the regular license fee plus appropriate reinstatement fee.

(1) Individuals shall have the option of passing the examination and payment of the regular fee with a filed complete application.

(2) Individuals may qualify under this rule to retake only the state portion of the examination and shall be required to retest after December 31 of the third year after expiration.

2.3(5) Reapplying for a reciprocity license as nonresident. A license that is not renewed by midnight, December 31, of the year of its expiration may be reinstated by the following:

a. Within 30 days after expiration by filing a complete renewal application, payment of the regular renewal fee plus appropriate reinstatement fee.

b. After 30 days but within three years, individuals shall be required to qualify as an original reciprocity application plus payment of the appropriate reinstatement fee.

c. Individuals applying under this rule shall satisfy all licensing requirements of Iowa Code and commission rules to be issued an active license. This shall include but not be limited to compliance with the continuing education requirement.

193E—2.4 to 2.7 Reserved.

193E—2.8(557A) Time-share interval filing fees. Each initial filing made pursuant to Iowa Code sections 557A.11 and 557A.12 shall be accompanied by a basic filing fee of \$100 plus \$25 for every 100 time-share intervals or fraction thereof included in the offering. A registration fee shall be paid with the filing of an application for registration consolidating additional time-share intervals with a prior registration and shall be a fee of \$50 plus an additional fee of \$25 for every 100 time-share intervals or fraction thereof included in the offering. A fee shall not be charged for amendments to the property report as a result of amendments to the initial filing, unless the commission determines the amendments are made for the purpose of avoiding the payment of a fee, in which event the amendment may be treated as an application for registration consolidating additional time-share intervals with a prior registration.

193E—2.9(543B) Fees. Examination fee: Paid directly to the testing service at the prevailing rate established by contract between the commission and the testing service.

Original license or renewal:

Salesperson license	\$75
Broker license	\$120
Firm license	\$120
Branch office license	\$30
Trade name license	\$30

Fee for renewal of license between January 1 and January 30 following expiration of license:

Salesperson: \$100
\$75 renewal fee plus \$25 penalty fee
Broker: \$145
\$120 renewal fee plus \$25 penalty fee
Additional officer or partner license: \$30

Penalty fee is not applicable to a firm license, trade name license, or branch office license.

Fees remitted with an application for license will be refunded if the commission finds the applicant was not qualified for a license.

Fees will not be refunded for the unexpired term of a license which has been issued and is in effect.

A fee remitted in error will be refunded if it is more than \$5 or if it is received as a separate check. If not received as a separate check, a fee remitted in error of \$5 or less will be refunded if a written request is received within 30 days of receipt of the fee.

All fees are received subject to collection. Payment of a fee with a bad check shall be prima facie evidence of a violation of Iowa Code section 543B.29(1) or 543B.34(8), or both.

If a bad check is received for an original license, the application for license shall be deemed incomplete and the license null and void.

If a bad check is received for renewal of a license and replacement is not filed with the commission by the date of expiration of the license (December 31), the penalty fee shall be added to the unpaid renewal fee. If the renewal fee and penalty fee are not filed with the commission by January 30 following the expiration of the license, the license issued for the new term shall be deemed null and void.

This rule is intended to implement Iowa Code section 543B.27.

193E—2.10(543B) License examination. Examinations for license as real estate salesperson or broker shall be conducted by the commission or its authorized representative.

2.10(1) Testing service. The commission shall negotiate an agreement with a testing service relating to examination development, test scheduling, examination sites, grade reporting and analysis. The commission shall approve the form, contract, and method of administering. The examination shall be conducted in accordance with approved procedures formulated by the testing agency. Applicants shall register and pay examination fees directly to the testing service.

2.10(2) Passing score. Rescinded IAB 7/10/91, effective 8/14/91.

2.10(3) Requests for waivers. An examinee must meet the requirements set out in Iowa Code section 543B.15. Requests for waiver of the qualifications for license required by Iowa Code section 543B.15 shall be submitted in writing. The commission will consider each case on an individual basis. It may require additional supporting information. If the applicant's experience or prelicense education is found to be less than equivalent to the statutory requirement, the commission may suggest methods of satisfying the deficiency. If a waiver is granted, the applicable examination must be passed before the end of the sixth month following the date of the waiver.

2.10(4) Evidence of completion of prelicense education required. An examinee shall be required to show evidence at the examination site that required prelicense education has been completed. If the commission has granted a waiver of prelicense education, the waiver letter will serve as evidence of completion. Persons planning to qualify under rule 2.3(543B) must obtain an authorization from the commission to show at the examination site.

2.10(5) Rescheduling examination. An examinee scheduled to take an examination who fails to attend may reschedule for a later examination by filing a new registration form and paying the examination fee. An examinee who takes an examination and fails shall be eligible to apply to retake the examination at any time the examination is offered by filing a new registration form and paying the examination fee.

193E—2.11(543B) Application for license. An applicant who passes a qualifying examination will receive a passing score report and an application form for license from the testing service. An applicant who passes a qualifying examination and applies for a license must file with the commission a completed application and license fee and proof of required education not later than the last working day of the sixth calendar month following the qualifying real estate examination.

2.11(1) Application contents. The application form requires detailed personal, financial, and business information concerning the applicant; and the applicant for license shall attest to its accuracy.

2.11(2) License terms. Real estate salesperson, broker, and firm licenses are issued for a three-year term, counting the remaining portion of the year issued as a full year. Licenses expire on December 31 of the third year of the license term. Branch office licenses and trade name licenses are issued for the remaining portion of the license term of the license to which each is assigned.

193E—2.12(543B) Renewing a license. Real estate license renewal applications are mailed in November by first-class mail to each licensee whose license is due for renewal.

2.12(1) Renewal requirements. If the renewal application form is signed by the individual applicant and the license renewal fee has been submitted with the application (including the penalty fee, if applicable), and if the application has been timely received, the license will be renewed. If any other required signature or document is not received with the renewal application form, the license will be issued inactive status pending receipt of the required signature or document.

If the renewal application form is not signed by the individual applicant or if the license renewal fee is not received with the renewal application, the application will be returned to the licensee.

2.12(2) Renewal deadlines. A signed application for renewal and regular renewal fee must be filed with the commission by December 31 of the year of expiration. Failure to comply with the requirements shall terminate the licensee's authority to practice real estate under the license.

a. Thirty-day grace period. The license may be renewed after the expiration date, if the application for renewal, with the regular renewal and reinstatement fee are filed with the commission by midnight, January 30, following the expiration of the license. An inactive and suspended license shall be renewed before the expiration date of the license.

b. If the licensee does not meet the January 30 deadline, the individual shall be required to submit an application for an original license and, if not specifically exempted by statute or commission rules, shall be required to retake and pass the appropriate license examination before submitting the application for license.

The commission may accept a current renewal application form in place of an original application form if completed and filed with the commission by March 1, after the expiration of the license.

c. Failure of a licensee to receive the application to renew from the commission shall not excuse the licensee from the requirements for renewal contained in this rule.

193E—2.13(543B) Reapplying for license as a former licensee.

2.13(1) A license that is not renewed by midnight, December 31, of the year of its expiration may be reinstated by the following:

a. Within 30 days after expiration by filing a complete renewal application, payment of the regular renewal fee plus appropriate reinstatement fee.

b. After 30 days but within three years of expiration by filing a completed application, payment of the regular license fee plus appropriate reinstatement fee.

Individuals shall have the option of passing the examination, payment of the regular license fee and filing completed application.

c. All reinstatement fees collected shall be transmitted to the state treasurer's office and credited to the education director's account of the Real Estate Education Fund as established in Iowa Code section 543B.54. The appropriate reinstatement fee for the length of time past the expiration date of the license is as follows:

(1) January 1 through January 30, the first year: \$25.

(2) From January 31 through the last day in February, the first year: \$50.

(3) The fee from March 1, the first year, through December 31, the third year, shall be the sum total of the \$50 already assessed plus an additional accumulating fee of \$25 for each subsequent full or partial calendar month. Fees assessed during this time period will be effective the first day of each calendar month.

(4) With a qualifying original reciprocity application: \$25.

(5) The commission shall, on a case-by-case basis, determine and set the appropriate reinstatement fee required after the suspension of a license.

The amount of reinstatement fee shall not be less than \$25 nor more than \$1000 and shall be clearly identified in the suspension order.

d. Former licensees may qualify for reexamination for reinstatement as follows:

2.13(2) The salesperson precourse will not be required if a former salesperson whose license has expired passes the salesperson examination and a completed application for license and regular fee are filed with the commission by December 31 of the third year after the date of expiration of the license. Persons planning to be examined under this rule must obtain authorization from the commission to show at the examination site.

2.13(3) The broker precourse will not be required if a former broker whose license has expired passes the broker examination and a completed application for license and regular fee are filed with the commission by December 31 of the third year after the date of expiration of the license. Persons planning to be examined under this rule must obtain authorization from the commission to show at the examination site.

2.13(4) An applicant for a broker license may use active experience as a former Iowa salesperson or salesperson experience in a state which has a current reciprocity agreement in place with Iowa to satisfy the experience requirement for a broker license if the former salesperson was actively licensed for 24 months and if the license has not been expired more than three years prior to the date the completed broker application and fee are filed with the commission.

2.13(5) If a former salesperson or broker does not qualify for and obtain a license within three years of the date of expiration of the former license, the person will not be permitted to apply for a license solely on the basis of previous experience as a licensee, but must qualify in the same manner as for an original license.

- a. The reinstatement fee and proof of continuing education shall not be required for an original application that is filed after the license has been expired over three years.
- b. Individuals applying under this rule must fully comply with all licensing requirements of Iowa Code and commission rules to receive an active status license.
- c. If the individual has not filed a completed application, regular license fee and appropriate reinstatement fee with the commission by midnight, December 31, of the third year after expiration of the license, the applicant shall be required to qualify as an original applicant.

193E—2.14(543B) Real estate offices and licenses required.

2.14(1) Every Iowa resident real estate firm or self-employed broker shall maintain an office for the transaction of business in the state of Iowa which shall be open to the public during business hours or by appointment.

2.14(2) Sharing office space. It shall be acceptable for more than one broker to operate in an office at the same address if each broker maintains all records and trust accounts separate from all the others. Each broker shall operate under a business name which clearly identifies the broker as an individual within the group of brokers.

2.14(3) Branch office. A resident Iowa real estate firm or proprietor maintaining a branch office shall display two branch office licenses in that location. One branch office license is issued in the name of the firm or proprietor and one is issued in the name of the designated broker or broker associate assigned to supervise the branch office. (Exception: A proprietor who supervises a branch office location is required to display only one branch office license in that location.) The main office and every branch office shall be directly supervised by a broker or broker associate assigned to that location as the broker-in-charge. No broker or broker associate shall be the broker-in-charge of more than one location.

2.14(4) When a real estate brokerage firm closes, the principal broker or a designated representative shall notify all listing clients advising them of the closing date and that each client may enter a new listing agreement with the firm of choice.

2.14(5) A licensed officer of a corporation or partnership may be licensed as an officer or partner to more than one corporation or partnership. The main or primary license for which the full license fee was paid must be maintained in active status to keep any additional licenses that were issued at a reduced fee active and in effect.

Continuing education will be required only for renewal of the main or primary license.

2.14(6) When the designated broker of a branch office transfers to a different office, terminates employment, or otherwise ceases to be in charge of the branch location, the branch office license must be returned to the commission. A broker-in-charge must be designated before a new branch license can be issued.

If the branch office is assigned to a corporation or partnership, the corporation or partnership license displayed in the branch office must also be returned to the commission.

2.14(7) A broker associate employed or engaged to be in charge of the branch office shall have the same responsibilities of supervision of the licensees working from that location as is imposed on the employing or sponsoring broker.

193E—2.15(543B) Notification required.

2.15(1) Partnerships, associations, and corporations are required to obtain a license before acting as a real estate broker. Failure of a broker to inform the commission within five working days that the broker has formed a new partnership, association or corporation, or has changed the type of the business, is prima facie evidence of a violation of Iowa Code section 543B.1.

2.15(2) Failure of a broker to inform the commission in writing within five working days of a change in type of license as proprietor, partner, officer or broker associate is prima facie evidence of a violation of Iowa Code sections 543B.1 and 543B.29(1).

2.15(3) Failure of a broker to inform the commission in writing within five working days of a change of address of a proprietorship, partnership, or corporation is prima facie evidence of a violation of Iowa Code section 543B.32.

2.15(4) Failure of a broker to deliver or mail by certified mail a license to the commission office within 72 hours after a salesperson or broker associate is discharged or terminated employment is prima facie evidence of a violation of Iowa Code section 543B.33.

2.15(5) Each real estate broker who returns a license to the commission office shall include the last-known permanent mailing address of the licensee.

2.15(6) Failure of a licensee to inform the commission in writing of a change of residence address or mailing address is prima facie evidence of violation of Iowa Code sections 543B.16 and 543B.18.

2.15(7) Licensees who independently obtain errors and omissions insurance shall notify the commission in writing within five working days of changes in insurance status, coverage or provider.

2.15(8) Within 72 hours of notification that a license is inactive, suspended, revoked or canceled, the broker shall deliver or mail by certified mail the license to the commission office.

193E—2.16(543B) Supervision required. An employing broker is responsible for providing supervision of any salesperson or broker associate employed by or otherwise associated with the broker as a representative of the broker. The existence of an independent contractor relationship or any other special compensation arrangement between the broker and the salesperson or broker associate shall not relieve either the broker or the salesperson or broker associate of duties, obligations or responsibilities required by law. Each salesperson and broker associate shall keep the broker fully informed of all activities being conducted on behalf of the broker and any other activities that might impact on the broker's responsibilities. Provided, however, the failure of the salesperson or broker associate to keep the broker fully informed shall not relieve the broker of duties, obligations or responsibilities required by law.

2.16(1) A broker associate is a broker employed by or otherwise associated with another broker as a salesperson and, during the time the broker remains a broker associate, is subject to the provisions of Iowa Code sections 543B.24 and 543B.33 and commission rules pertaining to salespersons.

2.16(2) Upon the termination of association or employment with the principal broker, the broker associate or salesperson shall not take or use any written listing agreements secured during the association or employment. Said listings shall remain the property of the principal broker and may be canceled only by the broker and the seller, unless the terms of the contract state otherwise.

193E—2.17(543B) Commission controversies. The commission is not authorized by law nor will it consider or conduct hearings involving disputes over fees or commissions between cooperating brokers, salespersons and other brokers.

2.17(1) A former employing or sponsoring broker may pay a commission directly to a broker associate or salesperson presently assigned to another broker or firm, or inactive or expired, if the commission was earned while the licensee was actively licensed and assigned to the employing broker.

2.17(2) An Iowa broker may pay a commission or fee to or receive a commission or fee from a nonresident broker who is actively licensed in the broker's resident state but not licensed in Iowa. The nonresident broker shall take no part in the listing, showing, negotiating offers or any other functions of a broker in Iowa unless actively licensed in Iowa.

193E—2.18(252J) Certificates of noncompliance. The commission shall deny the issuance or renewal of a certificate of registration upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in chapter 252J, this rule shall apply.

2.18(1) The notice required by Iowa Code section 252J.8 shall be served upon the registrant or applicant by restricted certified mail, return receipt requested, or personal services in accordance with Rules of Civil Procedure 56.1. Alternatively, the registrant or applicant may accept service personally or through authorized counsel.

2.18(2) The effective date of the denial of the issuance or renewal of a certificate of registration, as specified in the notice required by section 252J.8, shall be 60 days following service of the notice upon the registrant or applicant.

2.18(3) The commission's executive secretary is authorized to prepare and serve the notice required by section 252J.8 upon the registrant or applicant.

2.18(4) Registrants and applicants shall keep the commission informed of all court actions and all child support recovery unit actions taken under or in connection with chapter 252J and shall provide the commission copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

2.18(5) All commission fees for applications, license renewal or reinstatement must be paid by registrants or applicants before a certificate of registration will be issued, renewed or reinstated after the commission has denied the issuance or renewal of a license pursuant to chapter 252J.

2.18(6) In the event a registrant or applicant files a timely district court action following service of a commission notice pursuant to sections 252J.8 and 252J.9, the commission shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the commission to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a certificate of registration, the commission shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

2.18(7) The commission shall notify the registrant or applicant in writing through regular first-class mail, or such other means as the commission deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a certificate of registration, and shall similarly notify the registrant or applicant when the certificate of registration is issued or renewed following the commission's receipt of a withdrawal of the certificate of noncompliance.

These rules are intended to implement Iowa Code chapters 543B, 557A, and 17A and Iowa Code section 252J.8.

[Filed 7/14/75]

[Filed 9/3/76, Notice 7/12/76—published 9/22/76, effective 10/27/76]

[Filed 6/8/78, Notice 5/3/78—published 6/28/78, effective 8/2/78]

[Filed 5/30/79, Notice 3/21/79—published 6/27/79, effective 8/1/79]

[Filed 3/27/81, Notice 2/18/81—published 4/15/81, effective 5/20/81]

[Filed emergency 5/22/81—published 6/10/81, effective 7/1/81]

[Filed 7/9/81, Notice 4/29/81—published 8/5/81, effective 9/10/81]

[Filed 12/4/81, Notice 10/28/81—published 12/23/81, effective 1/27/82]

[Filed 6/3/82, Notice 4/28/82—published 6/23/82, effective 7/29/82]

[Filed 3/23/83, Notice 1/5/83—published 4/13/83, effective 7/1/83]

[Filed emergency after Notice 8/23/85, Notice 7/3/85—published 9/11/85, effective 8/23/85]

[Filed without Notice 8/23/85—published 9/11/85, effective 10/16/85]

[Filed 9/6/85, Notice 6/19/85—published 9/25/85, effective 10/30/85]

[Filed emergency after Notice 10/1/87, Notice 8/26/87—published 10/21/87, effective 10/2/87]

[Filed 10/2/87, Notice 8/26/87—published 10/21/87, effective 11/25/87]

[Filed 5/26/88, Notice 3/9/88—published 6/15/88, effective 7/20/88]

[Filed 8/17/89, Notice 7/12/89—published 9/6/89, effective 10/11/89]

[Filed 6/21/91, Notice 5/15/91—published 7/10/91, effective 8/14/91]*

[Filed 12/4/92, Notice 9/30/92—published 12/23/92, effective 1/27/93]

[Filed emergency 1/29/93—published 2/17/93, effective 1/29/93]

[Filed 1/12/95, Notice 11/23/94—published 2/1/95, effective 3/8/95]

[Filed 3/21/96, Notice 1/3/96—published 4/10/96, effective 5/15/96]

[Filed 6/13/97, Notice 4/9/97—published 7/2/97, effective 8/6/97]

*Effective date (8/14/91) of amendments to 2.1(5-7); 2.10(1,2); 2.14(4); 2.15(7,8); and rule 2.16 delayed 70 days by the Administrative Rules Review Committee. Delay lifted 8/21/91, effective 8/22/91.